

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALEJANDRO VELASQUEZ MENDOZA,

Plaintiff,

v.

MICKEY C. ALVIS, *et al.*,

Defendants.

Case No. C22-924-TL-SKV

ORDER GRANTING DEFENDANTS'  
MOTION FOR RELIEF FROM  
DEADLINE

This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before the Court on Defendants' motion for relief from the dispositive motion filing deadline. Dkt. 46. The deadline for filing dispositive motions, as established in the Court's Pretrial Scheduling Order, was September 21, 2023. *See* Dkt. 33. Defendants seek relief from that deadline on the grounds that, in late August 2023, their counsel of record, Gurjotvir Sra, tendered her resignation from the Washington Attorney General's Office, effective September 8, 2023. *See* Dkt. 46 at 2. New counsel, Assistant Attorney General Scott Barbara, appeared on behalf of Defendants on September 11, 2023, just ten days before the dispositive motion filing deadline. *Id.*; Dkt. 47, ¶ 4.

Mr. Barbara represents to the Court that since appearing in this case, he has had no time to evaluate the merits of Plaintiff's claims, no time to analyze potential arguments supporting a

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DEADLINE - 1

1 dispositive motion, and no time to confer with Defendants to secure declarations in support of  
2 any dispositive motion. *See* Dkt. 46 at 2; Dkt. 47, ¶ 4. Mr. Barbara further represents that due to  
3 the demands of other cases he was defending prior to Ms. Sra's resignation, including a 5-6-  
4 week trial scheduled to start on October 9, 2023, mid-December is likely the earliest he can  
5 realistically prepare a dispositive motion in this matter. Dkt. 46 at 2-3; Dkt. 47 at ¶ 4.

6 Plaintiff Alejandro Mendoza has filed no opposition to Defendants' motion, though it is  
7 not clear from the record that he ever received copies of the motion papers. According to Mr  
8 Barbara, Plaintiff was released from physical custody on August 31, 2023, but failed to satisfy  
9 the conditions of release and was classified as "absconded" effective September 13, 2023. Dkt.  
10 47, ¶ 5. A Department of Corrections Secretary's Warrant has apparently been issued for Mr.  
11 Mendoza's arrest. *See id.* Mr. Mendoza has not provided an updated address since his release  
12 from custody. *Id.*, ¶ 6. However, Mr. Barbara states that he received mail on September 18,  
13 2023, that Plaintiff had directed to Ms. Sra, and the mail contained an address and telephone  
14 number. *Id.* Mr. Barbara represents to the Court that he sent copies of Defendants' motion  
15 papers to Plaintiff at the address provided in the September correspondence. *See id.*; *see also*  
16 Dkt. 46 at 6. It is unknown whether Plaintiff received the mail containing the motion papers. It  
17 is clear, however, that Plaintiff has made no effort to provide the Court with an updated address  
18 since his release from custody as he is obligated to do under Local Civil Rule ("LCR") 10(f).

19 Defendants' motion seeking an extension of the deadline for filing a dispositive motion  
20 was filed prior to the expiration of the original deadline, and the Court is satisfied, based upon  
21 the declaration of Mr. Barbara (Dkt. 47), that good cause exists for the requested extension. *See*  
22 Fed. R. Civ. P. 6(b)(1)(A). The Court observes as well that it does not appear Plaintiff will be  
23 prejudiced by an extension given his lack of recent participation in this matter.

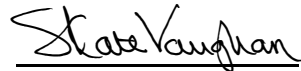
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DEADLINE - 2

1 Based on the foregoing, the Court hereby ORDERS as follows:

2 (1) Defendants' motion for relief from the dispositive motion filing deadline (Dkt.  
3 46) is GRANTED. The dispositive motion filing deadline is hereby extended to ***December 21,***  
4 ***2023.***

5 (2) The Clerk is directed to send copies of this Order to Plaintiff at the address listed  
6 on the docket and at the address provided by Defendants in their motion papers (*see* Dkt. 46 at  
7 6). The Clerk is further directed to send copies of this Order to counsel for Defendants and to the  
8 Honorable Tana Lin.

9 Dated this 6th day of October, 2023.

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12 S. KATE VAUGHAN  
13 United States Magistrate Judge  
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